

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KIMBERLY FISHER,

Plaintiff,

Civil Action No. 14-13881

Honorable Gershwin A. Drain

v.

Magistrate Judge Elizabeth A. Stafford

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER STRIKING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT [\[15\]](#) AND GRANTING IN PART  
PLAINTIFF'S MOTION FOR LEAVE TO FILE EXCESS PAGES [\[16\]](#)**

On April 13, 2015, plaintiff Kimberly Fisher filed a motion for summary judgment along with a supporting brief which is 35 pages in length. [\[15\]](#).

Pursuant to E.D. Mich. LR 7.1(d)(3), the length of a supporting brief may not exceed 25 pages, but a party may apply *ex parte* in writing to file a longer brief. On April 14, 2015, Fisher filed an *ex parte* motion for leave to file excess pages, contending that a longer brief is justified because she raises eight issues of error and the argument for each contains extensive critical authority in support of her motion. [\[16\]](#).

Where necessary, the Court will generally grant a party leave to file excess pages. Here, however, Fisher's brief not only exceeds the

maximum page length by ten pages, but the size of the font is noticeably too small. Local Rule 5.1(a)(3) requires that the type size of all text be no smaller than “14 point” font. E.D. Mich. LR 5.1(a)(3). The text in Fisher’s brief appears to be smaller than 12 point font. Had Fisher complied with LR 5.1(a)(3), the length of her brief would have exceeded the maximum page length by at least 15 pages. The Court finds that such a long brief is unnecessary and excessive.

The Comments to E.D. Mich. LR 5.1 and 7.1 warn that “[a]ttempts to circumvent the LR in any way may be considered an abusive practice which may result in papers being stricken as well as sanctions being imposed under LR 11.1.” Use of an impermissibly small font size is one method by which litigants may attempt to circumvent the page requirements of the local rules or, in this case, minimize the number of pages that exceed the maximum allowed under Rule 7.1(d)(3). Thus, Fisher’s motion for summary judgment [\[15\]](#) is **STRICKEN**.

Fisher’s *ex parte* motion for leave to file excess pages [\[16\]](#) is **GRANTED IN PART**. Fisher may refile a summary judgment motion using the appropriate size font. She must file the motion by **APRIL 20, 2015**, and her supporting brief may not exceed 35 pages in length. Defendant’s motion for summary judgment is now due **MAY 21, 2015** and, if needed,

Defendant may file a longer brief not to exceed 35 pages in length.

Fisher's reply is due **May 28, 2015**.

**IT IS ORDERED.**

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

Dated: April 15, 2015

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 15, 2015.

s/Marlana Williams  
MARLENA WILLIAMS  
Case Manager